

EXHIBIT 9

GLOWACKI, ET AL v. HOWELL PUBLIC SCHOOL
DISTRICT, ET AL

RONALD C. WILSON

September 10, 2012

Prepared for you by



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<p>1 A. Correct.</p> <p>2 Q. And did you attend that presentation?</p> <p>3 A. I did not.</p> <p>4 Q. And were both presentations given to teachers?</p> <p>5 A. I don't recall at this point. I know initially -- I</p> <p>6 think they had done the middle school, and then the</p> <p>7 second year you're referencing they did the high</p> <p>8 school.</p> <p>9 Q. So the second year would be the 2010-2011 school year?</p> <p>10 A. Yes.</p> <p>11 Q. And are you familiar with the presentation that was</p> <p>12 given to the teachers, the high school teachers?</p> <p>13 A. By Marcia you're talking about?</p> <p>14 Q. Correct.</p> <p>15 A. Yes, I was aware of that presentation.</p> <p>16 Q. And that was prior to the 2010-2011 school year?</p> <p>17 A. Correct. That was the first or second in-service day</p> <p>18 before school started.</p> <p>19 Q. And then do you recall that there was a presentation</p> <p>20 given to students that winter in the high school in</p> <p>21 2011?</p> <p>22 A. Yes.</p> <p>23 Q. And why was the decision made to bring back the same</p> <p>24 person to give a presentation to students after this</p> <p>25 incident occurred?</p>	<p>1 A. The policies are all -- as they're updated, are posted</p> <p>2 on our web site, and they have direct access to that</p> <p>3 if there are specific items or changes that are</p> <p>4 significant, you know, are pressing. Now, we've had</p> <p>5 some changes -- every -- every year we have changes</p> <p>6 based on, you know, case law and stuff like that, so</p> <p>7 we try to make sure that if there's any areas that --</p> <p>8 that are areas that could be misinterpreted or not</p> <p>9 congruent with how we've handled things in the past,</p> <p>10 we want to make sure they're aware of that, so that</p> <p>11 would be something that either during a faculty</p> <p>12 meeting or just by e-mail, e-mailing it out, saying</p> <p>13 here's an update. There's been some changes in policy</p> <p>14 and guidelines and here they are.</p> <p>15 Q. Beyond the teachers being notified via e-mail of</p> <p>16 changes in policies, are the policies distributed?</p> <p>17 Besides being just available on a web site, are they</p> <p>18 specifically distributed?</p> <p>19 A. No. No. They're just available on the web site.</p> <p>20 Q. And how is this made known to the teachers?</p> <p>21 A. The teachers are basically shown, here is the web</p> <p>22 site. There's a log-in for -- if they need to go in</p> <p>23 to deal with any HR issues, vacation days or any of</p> <p>24 that type of stuff, and then as part of that whole set</p> <p>25 of options is the policy piece.</p>
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<p>1 A. My recollection is that it was already scheduled ahead</p> <p>2 of time because they hadn't had a chance to present to</p> <p>3 the entire staff and the entire student body, so it</p> <p>4 was a two-part visitation.</p> <p>5 Q. Was there ever consideration that perhaps this</p> <p>6 presentation shouldn't be given to the students after</p> <p>7 what occurred on the 20th of October of 2010?</p> <p>8 A. No.</p> <p>9 Q. I'm handing you what's marked as Exhibit 5. Do you</p> <p>10 recognize this?</p> <p>11 A. Yes.</p> <p>12 Q. And how do you recognize this?</p> <p>13 A. It's from our policy -- from our Board policy.</p> <p>14 Q. And which policy is that?</p> <p>15 A. 5610, emergency removal, suspension and expulsion of</p> <p>16 nondisabled students.</p> <p>17 Q. Would it be fair to say that that is the Howell Public</p> <p>18 Schools policy to which the guidelines in Exhibit 7</p> <p>19 explains?</p> <p>20 A. Repeat your question, please.</p> <p>21 Q. In Exhibit 5, is that the policy that Exhibit 7, the</p> <p>22 guidelines, explains?</p> <p>23 A. I believe so, yes.</p> <p>24 Q. And can you explain to me how teachers are educated</p> <p>25 about the policies of Howell Public Schools?</p>	<p>1 Q. And is there any sort of requirement that a teacher</p> <p>2 has to sign that they've read all the school policies?</p> <p>3 A. No, no.</p> <p>4 Q. Is there ever any training specifically targeted for</p> <p>5 teachers to understanding the policies and guidelines?</p> <p>6 A. No.</p> <p>7 Q. Has it ever been considered to have the NEOLA</p> <p>8 representative come and give a presentation to</p> <p>9 teachers specifically?</p> <p>10 A. No.</p> <p>11 Q. And why is this?</p> <p>12 A. Well, if you review our Board policy, it's a fairly</p> <p>13 broad and large document. We do have -- the NEOLA rep</p> <p>14 comes twice a year and does a review with myself, and</p> <p>15 then, you know, based on the recommendations from</p> <p>16 NEOLA, we take that to the Board, you know, but</p> <p>17 it's -- given the number of unfunded mandates and</p> <p>18 things that we are required to do, our in-service time</p> <p>19 when we would normally present these kind of things to</p> <p>20 teachers is usually focusing on student-achievement</p> <p>21 issues or instructional issues. The policies are</p> <p>22 available. Most organizations -- my previous two</p> <p>23 districts have used NEOLA and -- and -- actually, the</p> <p>24 first district I was with, Mount Pleasant, also used</p> <p>25 NEOLA, too, and in 25 years I can't ever recall, as a</p>

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<p>1 A. I'm not sure. That's what was presented to me, that 2 the spirit group wants to have an anti-bullying day. 3 Q. Did Aaron Moran ever state to you that it was the 4 Gay/Straight Alliance Student Club? 5 A. No, he did not. 6 Q. Did you review any documents prior to coming to the 7 deposition today? 8 A. Yeah. I reviewed a few, yes. 9 Q. And which documents did you review? 10 A. I reviewed the suit that was filed by the Thomas More 11 Law Center. 12 Q. Would that be the complaint? 13 A. The complaint, yes. And I also had a chance to look 14 at our -- I believe all of the exhibits that we've 15 given I looked at too. 16 Q. Did you have an opportunity to review any of your 17 e-mails? 18 A. The e-mails related to this situation number in the 19 thousands and, interesting enough, when this whole 20 thing happened, I started getting hate mail from the 21 gay and lesbian community, and then after you filed 22 your suit, I got an equal number of e-mails from the 23 religious rights, and so I -- I am familiar with some 24 of the e-mails but, no, I didn't review the thousands 25 that I've received regarding this matter.</p>	<p>1 31 at the bottom -- 2 A. Uh-huh. 3 Q. -- is that the first e-mail from Sherri Hargrove? 4 A. It looks like it based on the time and date that's on 5 there. 6 Q. And what is the time and date of that e-mail? 7 A. October 19, 2010, at 7:19 p.m. 8 Q. And who is Sherri Hargrove? 9 A. I believe it's a parent of one of our students. 10 Q. And what is she asking? 11 A. She is asking is it true that at Howell High School 12 there is a gay pride rally of some kind. 13 Q. And at some point was this e-mail forwarded to you? 14 A. It looks like it was forwarded to me at 7:36 p.m. 15 Q. On October 19th? 16 A. Yes. 17 Q. And what did you do with the e-mail? 18 A. I forwarded it on to the high school principal to see 19 if he knew anything about it. 20 Q. And what was his response? 21 A. It says no. It says -- well, let's see. It says -- 22 this came in, actually, at the next -- the morning of 23 the 20th just before 7 o'clock. It says: 24 "No. The Gay/Straight Alliance Student Club has 25 a meeting next week. I heard today is</p>
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<p>1 Q. Did you review any of the internal e-mails between you 2 and the high school principal, Aaron Moran, or -- 3 A. No. 4 Q. -- anyone else in -- the administrative Board or -- 5 A. No. 6 MS. MERSINO: We'll mark this as Exhibit 31. 7 MARKED FOR IDENTIFICATION: 8 DEPOSITION EXHIBIT 31 9 10:57 a.m. 10 BY MS. MERSINO: 11 Q. If you could review what's been handed to you as 12 Exhibit 31, do you recognize what's in this exhibit? 13 A. Yes. 14 Q. And how do you recognize it? 15 A. It was an e-mail that came in on the 20th from Dan and 16 Sherri Hargrove, and it was originally addressed to 17 myself, and I also believe a copy of it was sent to 18 our Board president, Debi Drick. 19 Q. And this actually appears to be an e-mail strain; is 20 that correct? 21 A. Yes. 22 Q. And when did the first e-mail come in from Sherri 23 Hargrove? 24 A. 2:35 p.m. on October 20th of 2010. 25 Q. Okay. If you could go to the second page of Exhibit</p>	<p>1 anti-bullying day. Wear purple. The GSA using 2 this to stop homophobia. If I hear anything, I 3 will let you know." 4 Q. Do you know the GSA to be an acronym for the 5 Gay/Straight Alliance Student Club? 6 A. Yes. 7 Q. And it states in the e-mail that on the anti-bullying 8 day people are to wear purple and they're using it to 9 stop homophobia. 10 A. Yeah, that's what it says. 11 Q. And this was sent to you the morning of the 20th at 12 6:52 a.m.? 13 A. Correct. But recognize, you know, that I don't sit 14 and wait for e-mails to come in, you know. I 15 periodically will read my e-mails once or twice a day, 16 and so I don't even recall. Mr. Moran may have sent 17 this to me at 7:52 in the morning, but as far as when 18 I saw it and when I responded to it, I don't recall. 19 Q. So you have no recollection of when you opened this 20 e-mail? 21 A. No, no. 22 Q. Were you at your office that day? 23 A. Without going back and reviewing my calendar, I know I 24 was in the office part of that day. 25 Q. Which part were you in the office?</p>

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<p>1 A. No.</p> <p>2 Q. And were you familiar with whether the student</p> <p>3 assembly put on in 2011 was a mandatory student</p> <p>4 assembly?</p> <p>5 MR. HENLEY: Which student assembly in 2011?</p> <p>6 BY MS. MERSINO:</p> <p>7 Q. With Dr. McEvoy?</p> <p>8 A. I don't recall whether it was mandatory or not.</p> <p>9 Q. Who was involved in the planning of that?</p> <p>10 A. I'm not sure. I can only venture a guess.</p> <p>11 Q. Were -- was it required that a parent be informed of a</p> <p>12 student assembly prior to it taking place?</p> <p>13 A. I don't know.</p> <p>14 Q. After the initial reprimand and punishment was issued</p> <p>15 to Mr. McDowell, was there some point in time when it</p> <p>16 was recalled?</p> <p>17 A. The suspension or the day off without pay was removed.</p> <p>18 However, the discipline as far as the reprimand and</p> <p>19 the training stayed in place.</p> <p>20 Q. It's my understanding that a different disciplinary</p> <p>21 reprimand was replaced in the file and the original</p> <p>22 was taken out; is that correct?</p> <p>23 A. I believe that's correct, yes.</p> <p>24 Q. And you said that the training was in place, the First</p> <p>25 Amendment training?</p>	<p>1 A. I'm not sure.</p> <p>2 Q. Can you describe the training with the teachers for</p> <p>3 me?</p> <p>4 A. I did attend that and, essentially, it just went</p> <p>5 through the current case law and -- regarding, you</p> <p>6 know, First Amendment rights and free speech and --</p> <p>7 which is presenting, you know, this is the</p> <p>8 information, this is what we -- you know, in these</p> <p>9 situations, this is what we recommend.</p> <p>10 Q. And prior to February 2011, was there any First</p> <p>11 Amendment training conducted at the school?</p> <p>12 A. Not that I'm aware of, no.</p> <p>13 Q. And why was it decided that First Amendment training</p> <p>14 should take place at the school in February of 2011?</p> <p>15 A. Well, given the incident that occurred on the 20th and</p> <p>16 then subsequent questions about, you know, how we</p> <p>17 should handle those types of situations, it seemed</p> <p>18 somewhat self-evident that we needed to go ahead and</p> <p>19 review this with our staff and make sure that we set</p> <p>20 some clear guidelines to ensure that we don't have a</p> <p>21 repeat.</p> <p>22 Q. Are there clear guidelines in place now?</p> <p>23 A. I think in referencing -- I think the guidelines that</p> <p>24 are in place are clear, but I believe that</p> <p>25 in referencing Mr. Revore's presentation, he</p>
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<p>1 A. Yes.</p> <p>2 Q. And has it taken place?</p> <p>3 A. Yes, it did.</p> <p>4 Q. And can you describe it for me?</p> <p>5 A. We had a school attorney come in and he did some</p> <p>6 research on public or First Amendment rights, and</p> <p>7 provided I believe two separate training sessions for</p> <p>8 Mr. McDowell, and we also provided it for all our</p> <p>9 teachers, too, at a later day.</p> <p>10 Q. And who put on the training?</p> <p>11 A. Dave Revore, an attorney from the Thrun Law Firm.</p> <p>12 Q. Could you spell the last name?</p> <p>13 MR. HENLEY: I could. R-E-V-O-R-E.</p> <p>14 BY MS. MERSINO:</p> <p>15 Q. And when did this occur?</p> <p>16 A. I believe it was February of 2011, I believe.</p> <p>17 Q. Is there any written documentation of this?</p> <p>18 A. Yes. There would have been a handout and it was -- I</p> <p>19 believe it was done on a professional development day</p> <p>20 so it would have been memorialized in our professional</p> <p>21 development for that day.</p> <p>22 Q. You said that Mr. McDowell had an individualized</p> <p>23 training?</p> <p>24 A. Correct.</p> <p>25 Q. And how many people were present at the training?</p>	<p>1 specifically called out situations that -- you know,</p> <p>2 where -- if -- appropriate conduct, given those</p> <p>3 situations, I think was called out or made more</p> <p>4 specific.</p> <p>5 Q. So there were examples given during the training?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is that what you're referring to --</p> <p>8 A. Yes.</p> <p>9 Q. -- or was there something else?</p> <p>10 A. It was an hour-long training and maybe more than an</p> <p>11 hour and, like I said, there was a PowerPoint and</p> <p>12 attachment, and it was basically designed to clarify,</p> <p>13 you know, what our policies say and what our</p> <p>14 expectations are.</p> <p>15 Q. And was this training mandatory?</p> <p>16 A. Uh-huh.</p> <p>17 MR. HENLEY: That's a yes?</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. MERSINO:</p> <p>20 Q. I should remind you. My fault. I apologize.</p> <p>21 Now, after this occurred, after this</p> <p>22 training, did you ever go back to the drawing board</p> <p>23 with your policies to adapt or change any Howell</p> <p>24 Public School policies?</p> <p>25 A. We had asked counsel to review our policies to make</p>